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To Examiner Cephia D. Toomer
United States Patent & Trademark Office
Fax (571) 273-1126

Re USSN 10/086,775
Family No. P2002J025
Pages Cover + 1 pages

From Sharon M. LaMonte (for Joseph J. Allocca) cc
Law Department-Downstream

Date May 9, 2008

Dear Examiner Toomer:

Please find attached the missing page 10 from the above-identified patent application. If I can be of any further assistance, please do not hesitate to contact me at the telephone number listed below.

Sharon M. LaMonte

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U.S. Serial No. 10/086,775
Appeal to the Board of Patent Appeals and
Interferences Pursuant to 37 CFR 41.31
Family Number: P2002J025

Page 10

I) The Examiner argues that WO 99/63025 ('025) teaches a hydrocarbon-in-water emulsion comprising diesel fuel or Fischer-Tropsch derived fuel, water and a surfactant. The Examiner argues that the droplets are less than 10 microns in size, no lower limit being recited, and that the reference relates the composition to reductions in nitrogen oxide and particulates emissions.

The Examiner indicates that '025 differs from the present claims by not comparing the fuel to Swedish Class I Diesel but find no unobviousness because '025 teaches a fuel that contains all the claimed components of applicants' invention employed in the environment. Thus, it would be expected that the emulsified fuel of '025 would reduce particulates as compared to Swedish Class I Diesel.

The Examiner acknowledges that '025 fails to teach the presently claimed particle size of 0.1 to 1 micron, but that it would have been obvious to optimize the particle size through routine experimentation for the best results.

The Examiner acknowledges that '025 does not teach the viscosity of the fuel but that because it does teach an emulsified fuel containing the same components within the same range as applicants it would be reasonable to expect the viscosity of the fuel emulsion of '025 to be the same as that of the present invention.

Applicants respectfully traverse the rejection in regard to claims 1, 5-9, 13 and 14, the method claims as follows:

Reference to Figures 2 and 3 demonstrate that particulate matter emissions generated upon combustion of the emulsion fuels are reduced from 53 to 91.5% as compared to Swedish Class I Diesel fuels. As previously demonstrated, the results presented in Figures 2 and 3 are generated from the combustion of identical emulsified